

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION and

THE PEOPLE OF THE STATE OF NEW  
YORK, by LETITIA JAMES, Attorney  
General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING  
COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited  
liability company;

PREVAGEN, INC., a corporation

d/b/a/ SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE  
MANUFACTURING, LLC, a limited  
liability company; and

MARK UNDERWOOD, individually and as  
an officer of QUINCY BIOSCIENCE  
HOLDING COMPANY, INC., QUINCY  
BIOSCIENCE, LLC, and PREVAGEN,  
INC.,

Defendants.

Case No. 1:17-cv-00124-LLS

**PLAINTIFFS' PROPOSED VOIR  
DIRE**

**A. Introduction To The Case**

You have been called to potentially serve as a juror on a civil case, not a criminal case. I am going to be asking you a number of questions about your background and experiences in order to determine if anyone has a compelling reason for not serving on this jury and to help the attorneys make decisions about jury selection. Most of these questions will be routine, but there may be answers to certain questions that you may prefer to answer in private. In that case, please

let me know, and I will have you come up to the bench where you can answer out of the presence of the other jurors.

The case being tried has been brought by the United States Federal Trade Commission, Bureau of Consumer Protection, and the New York Attorney General, Consumer Frauds and Protection Bureau. These are the Plaintiffs in the case. The Defendants in the case are Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen Inc., and Quincy Bioscience Manufacturing, LLC—the companies involved with a product called Prevagen—and Individual Defendant Mark Underwood—an officer of those three companies. The claims brought by the Plaintiffs have to do with the advertising of Prevagen and certain statements or claims made by the Defendants about Prevagen.

I will get into more discussion about the parties to this lawsuit, the product involved, and the specific claims being asserted in a few minutes, but for right now, I would like to know if anyone on the jury panel is familiar with this specific lawsuit or the issues involved for any reason.

Anyone who answers in the affirmative will be asked out of the presence of the other jurors about their knowledge, whether it is actually about the lawsuit, and whether it will affect their ability to be fair and impartial.

## **B. General Background**

Let me now ask some general background questions.

1. What is your current employment status? What is your current job?
2. What are your job responsibilities at your current employer? How long have you worked there?

3. Who is your spouse's/significant-other's employer? What are your spouse's/significant-other's job responsibilities?
4. What is the highest level of education you completed? If you have a college degree, what was your field of study?
5. Have any of you attended law school or studied the law?
6. Have any of you or anyone close to you ever worked for a law firm or the court system? If yes, what was your job description?
7. Have any of you previously served on a jury of any kind? If so, when and what type of case was it? Were you selected to be the foreperson? Was a verdict reached?
8. Have any of you ever been a party to a civil lawsuit, other than a divorce or child custody dispute? If so, what was the nature of the dispute? Was the lawsuit resolved to your satisfaction?
9. Have you or anyone close to you ever been a witness in any civil or criminal case, other than a divorce or child custody dispute? If so, what was your role?
10. Have you ever wanted to file a lawsuit or a grievance, but did not?

**C. Familiarity With The Case, Parties, And Subject Matter**

11. Introduce the Court and Court's staff: Do any of you know me or any member of my staff on any basis, social, professional, or otherwise?
12. Do you know anyone else in the panel of potential jurors?
13. Has anyone worked for the Federal Trade Commission or had any dealings with that agency? If yes, please explain.
14. Has anyone worked for the New York Attorney General or had any dealing with that agency? If yes, please explain.

15. Do any of you have any strong feelings, either pro or con, about either of these government agencies?
16. Do any of you have any strong feelings about the federal or state government in general or government regulations?
17. Is anyone familiar with a company called Quincy Bioscience Holding Company, Inc.? If yes, please explain.
18. Is anyone familiar with a company called Quincy Bioscience, LLC? If yes, please explain.
19. Is anyone familiar with a company called Prevagen, Inc., doing business as Sugar River Supplements? If yes, please explain.
20. Is anyone familiar with a company called Quincy Bioscience Manufacturing, LLC? If yes, please explain.
21. Do any of you have any strong feelings, either pro or con, about any of these companies?
22. Is anyone familiar with Mark Underwood, the individual defendant?
23. Have any of you heard of Prevagen—the product whose advertising claims are at issue in this case?
24. Have any of you, or someone close to you, used Prevagen either in the past or currently? If yes, do you have any strong feelings, either pro or con, about Prevagen?
25. Have any of you used over-the-counter supplements for any reason? If yes, please explain.
26. Do you, or does anyone you know well, have any training, education, or experience in product development, marketing, or sales? Does any of this experience involve over-the-counter supplements? If you do, please describe your experience.

**D. Introduction of Witnesses and Counsel**

27. Do any of you know or think you may know any of the following individuals who may be called as witnesses, either live or by video, to testify at this trial, on any basis, social, professional or otherwise: Mark Underwood, Todd Olson, Kenneth Lerner, Keith Thomsen, William Ducklow, Donya Jackson, Lynne Colbert, Sheya Jabouin, Mary Sano, Janet Wittes, Jeremy Berg, Peter Malaspina, Dominik Alexander, Richard Goodman, David Gortler, David Katz, Mindy Kurzer, David Schwartz, and Lee-Jen Wei.
28. Do any of you know or think you may know, on any basis, social, professional, or otherwise, any of the following individuals or entities who may be mentioned or referred to at trial: J. Howard Beales, Georgetown Economic Services, Cogstate Ltd., U.S. Food and Drug Administration, Custom Biologics, Dakota Miller, Daniel Moran, Michael Beaman, Thomas Dvorak, Erin Adams, Nathan Beaman, Peggy Sivesind, Taylor Gabourie, Amadeus Benitez, Stephanie Hobbins, Mariana Brewster, Kelsey Harter, Robert Risch, Lizzie Malzfeldt, Steven Holmquist, David Merrick, Merrick Wellness, Tamara Beaman, James Moyer, Jr., Norton Milgram, Teri Barr, Janet Liang, Robert Fenili, Paul Pencharz, James Lugo, and Cedric Annweiler.
29. Do any of you know any of the law firms, attorneys, or any employees of the law firms or agencies in this matter on any basis, social, professional or otherwise? Federal Trade Commission, New York Attorney General, Kelley Drye & Warren, Cozen O'Connor, Annette Soberats, Edward Glennon, Andrew Wone, Tawana Davis, Serena Viswanathan, Michelle Rusk, Rosemary Rosso, Kathryn ("Kate") Matuschak, Jane Azia, Laura Levine, Geoffrey White Castello III, Glenn Graham, Jaclyn Metzinger, Damon Suden, Kristin

Keehan, Michael de Leeuw, Tamar Schwartz Wise, Matthew Elkin, John B. Kelly, John Villafranco, Katie Bond, Ashish Talati, Abhishek Gurnani, and Amin Talati & Upadhye.

30. Is there anything we haven't asked about that you think we should know that would make it difficult for you to serve as a fair and impartial juror in this case?

Dated: November 17, 2022

FEDERAL TRADE COMMISSION

/s/ Annette Soberats

ANNETTE SOBERATS

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ANDREW WONE

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